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## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No  
A-1712Total Pages in this Submission  
49

TO THE COMMISSIONER FOR PATENTS

Box Patent Application

Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 CFR 1.53(b) is a new utility patent application for an invention entitled:

VITAMIN D ASSAY

and invented by:

Garrity et al.If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:
☐ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP)    of prior application No.: \_\_\_\_\_
Enclosed are **Application Elements**:

- ☐ Filing Fee
- ☒ Specification having 41 page(s) and including the following:
  - ☒ Title of the Invention
  - ☐ Cross References to Related Applications (if applicable)
  - ☒ Background of the Invention
  - ☒ Brief Summary of the Invention
  - ☒ Description of the Drawings
  - ☒ Description of the Preferred Embodiment
  - ☒ Claim(s) as Classified Below
  - ☒ Abstract of the Disclosure
- ☐ \_ Sheets of Drawings(s) (37 CFR 113) ☐ Formal ☐ Informal
- ☒ Oath or Declaration ☐ Executed ☒ Unexecuted
  - ☐ Copy from prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- ☒ Power of Attorney ☐ Executed ☒ Unexecuted
  - ☐ Copy from prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- ☐ Incorporation By Reference -- The entire disclosure of the prior application from which a copy of the oath or declaration is supplied under the above entry, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Computer Program in Microfiche (Appendix)

**Accompanying Application Parts**

- ☐ Assignment Papers (cover sheets & documents(s))
  - ☐ The prior application is assigned of record to \_\_\_\_\_
    - ☐ Copy from prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
- ☐ English Translation Document (if applicable)

- ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of \_\_\_ IDS Cited Reference(s)  
☐ Preliminary Amendment  
☒ Acknowledgment postcard  
☐ Application is entitled to Small Entity Status.  
☒ Application Data Sheet  
☒ Request of NON-PUBLICATION of Application  
☒ Certificate of Mailing by Express Mail  
☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

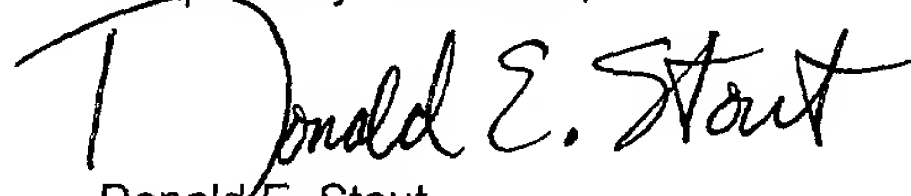
### Fee Calculation and Transmittal

*\*The filing fee is calculated on the basis of the claims existing in the prior application as amended by the accompanying preliminary amendment noted above.*

CLAIMS AS FILED					
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	84	- 20 =	64	X \$ 18.00	\$ 1152.00
Independent Claims	7	- 3 =	4	X \$ 80.00	\$ 320.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$ 0.00
BASIC FEE					\$ 710.00
SUBTOTAL					\$ 2182.00
(Application is entitled to small entity status under 37 CFR 1.9 and 1.27)      adjusted small entity status claim fees [rate ÷ 2] SMALL ENTITY STATUS					
OTHER FEE (specify purpose)					\$ 0.00
TOTAL FILING FEE					\$ 2182.00

- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee and the assignment recordation fee is enclosed.  
☐ The Commissioner is hereby authorized to charge and/or credit Deposit Account Number 13-5135 as described below.  
☐ Charge the amount of \$ \_\_\_\_\_ as filing fee.  
☐ Credit any overpayment.  
☐ Charge any additional filing fees required under 37 CFR 1.16 and 1.17.

Respectfully Submitted,

  
 Donald E. Stout  
 Attorney for Applicants  
 Registration Number: 34,493

January 16, 2001

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 e-mail: dstout@patlawyers.com

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: /  
Garrity et al. / BOX PATENT APPLICATION  
/   
Filed: Herewith /   
/   
For: VITAMIN D ASSAY /

EXPRESS MAIL MAILING LABEL NO. **EL639221260US**

Date of Deposit: **January 16, 2001**

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231:

1. Transmittal letter;
2. Specification/Claims 41 pages  
(Specification / 28 pages; Claims 84 / 13 pages);
3. Declaration for Patent Application - Unexecuted;
4. Request of NON-PUBLICATION of Application;
5. Application Data Sheet; and
6. Return Receipt postcard.

Each of the 6 above-identified documents are enclosed herewith.

Respectfully submitted,



Dawn E. Zuniga  
Office of Donald E. Stout  
Registration No. 34,493

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Docket A-1712

The enclosed patent application of  
**Garrity et al.**  
is being filed in accordance with section 1.10 by Express Mail  
and should be accorded a filing date of  
**January 16, 2001.**

SEE THE EXPRESS MAILING CERTIFICATE  
ATTACHED TO APPLICATION.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: /  
Garrity et al. / BOX PATENT APPLICATION  
/   
Filed: Herewith /   
/   
For: Vitamin D Assay /

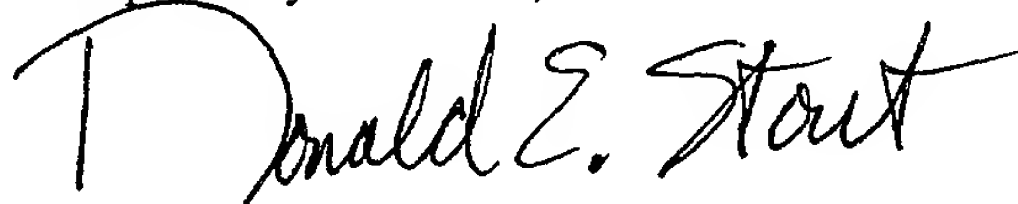
Commissioner for Patents  
Washington, D.C. 20231

**REQUEST FOR NON-PUBLICATION OF APPLICATION**  
**UNDER 37 C.F.R. § 213(a)**

Dear Sir:

Applicants hereby request that the above-referenced patent application, filed concurrently herewith, **NOT BE PUBLISHED** under 35 U.S.C. § 122(b). In making this request, applicants certify that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at 18 months after filing.

Respectfully submitted,



January 16, 2001  
4 Venture, Suite 300  
Irvine, CA 92618

Donald E. Stout  
Registration No. 34,493  
STOUT, UXA, BUYAN & MULLINS, LLP